

22  
07.11.2022  
d.p.

**In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A 19914 of 2022**

**Sk. Doma  
-versus  
The Kolkata Municipal Corporation & Ors.**

**Mr. Narayan Ch. Mondal,  
Ms. Shraddha Satpati,  
Ms. Anushika Bharati.  
...For the Petitioner.**

**Mr. Himadri Sikhar Chakraborty,  
Ms. Debdooti Dutta.  
...For the Respondent  
Nos.6 & 7.**

Affidavit-of-service filed in Court today is taken on record.

The report filed by the Officer-in-Charge, Narkeldanga Police Station dated 9<sup>th</sup> September, 2022 in Court today is also taken on record.

None appears on behalf of the Kolkata Municipal Corporation in spite of service.

None appears on behalf of the private respondents either.

The petitioner complains that the Corporation is not taking any step to demolish the illegal and unauthorized construction made by the private respondents at the Premises No.3/5 F, Narkeldanga Main Road, Ward No. 29, Borough-III.

Learned advocate appearing for the petitioner has handed over a copy of the order dated 22<sup>nd</sup> July, 2022 passed by the Executive Engineer (Civil)/Building, Borough-III whereby the person responsible have been directed to demolish the illegal and unauthorized construction as per Section 400(1) of the Kolkata Municipal Corporation Act, 1980.

The said order mentions that the demolition is to be carried out within five days from the date of receipt of the order, failing which the Corporation will take steps to demolish the same.

The police authority is represented.

As it appears that the order of demolition has already been passed by the Executive Engineer of the concerned borough, accordingly, it is incumbent for the Kolkata Municipal Corporation to take steps for executing the order of demolition.

The Executive Engineer being the respondent No.5 herein is directed to take immediate steps for executing the order of demolition dated 22<sup>nd</sup> July, 2022 communicated vide memo dated 25<sup>th</sup> July, 2022 at the earliest, but positively within a period of three months from the date of communication of a copy of this order.

The writ petition stands disposed of.

Copy of the order dated 22<sup>nd</sup> July, 2022 passed by the Executive Engineer (Civil)/Building, Borough-III, under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 is retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**( Amrita Sinha, J.)**